

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-80144-Cr-Smith/Maynard(s)

UNITED STATES OF AMERICA

vs.

JOFF STENN WROY PHILOSSAINT, et al.,

Defendants.

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UNITED STATES' SPEEDY TRIAL REPORT

The United States, by and through the undersigned Assistant U.S. Attorney, hereby files its Speedy Trial Report, in accordance with S.D. Fla. L. R. 88.5.

PROCEDURAL HISTORY

1. On August 5, 2022, sealed Complaints and sealed arrest warrants were issued for defendants Joff Stenn Wroy Philossaint (“Philossaint”) and Mariel Tollinchi (“Tollinchi”) [DE 3 (Philossaint Sealed Compl.); DE 3 (Tollinchi Sealed Compl.)].¹

2. On August 8, 2022, both Philossaint and Tollinchi made their initial appearances [DE 8 (Philossaint Minute Order); DE 8 (Tollinchi Minute Order)].

¹ The defendants were charged by Complaint in three separate cases. Philossaint was charged in case number 22-8336; Tollinchi was charged in case number 22-8337; Shazier, Rene, and Gayle, were charged in case number 22-8357. All three cases have been consolidated into the same superseding indictment, and the Clerk’s Office has merged all three original docket sheets into the final docket sheet in 22-80144-Cr-Smith/Maynard(s). Thus, the Court will notice that there are multiple documents that seem to have the same Docket Entry numbers. The undersigned has tried to clearly identify the documents by title, date, and docket entry number to avoid confusion.

3. On August 15, 2022, a sealed Complaint and sealed arrest warrants were issued for defendants Maurice Shazier (“Shazier”), Regine Rene (“Rene”), and Brianna Gayle (“Gayle”) [DE 1 (Shazier, et al. Compl.)].

4. On August 17, 2022, Rene and Gayle made their initial appearances [DE 5 (Rene Minute Order); DE 9 (Gayle Minute Order)].

5. On August 24, 2022, Shazier made his initial appearance [DE 25 (Shazier Minute Order)].

6. On September 8, 2022, the initial Indictment was returned by the federal grand jury [DE 32 (Indictment)]. The initial Indictment only contained charges against defendants Philossaint, Tollinchi, Rene, and Gayle [*see id.*].

7. On September 13, 2022, Philossaint was arraigned [DE 35 (Minute Order re Report re Counsel and Arraignment)].

8. On September 14, 2022, Tollinchi and Gayle were arraigned [DE 37 (Minute Order on Gayle Arraignment); DE 38 (Minute Order on Tollinchi Report Re Counsel and Arraignment)].

9. On October 20, 2022, a Superseding Indictment was returned by the federal grand jury, which added charges against Shazier [DE 58].

10. On October 21, 2022, Rene was arraigned on the Superseding Indictment [DE 59].

11. On October 25, 2022, Shazier was arraigned on the Superseding Indictment [DE 62].

12. On October 28, 2022, Philossaint was arraigned on the Superseding Indictment [DE 63].

13. On November 3, 2022, Gayle was arraigned on the Superseding Indictment [DE 74].

14. On November 4, 2022, Tollinchi was arraigned on the Superseding Indictment [DE 76].

CALCULATION OF SPEEDY TRIAL PERIOD

15. The Speedy Trial Act states that “[a] defendant’s trial “shall commence within seventy days from the filing date . . . of the . . . indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.” 18 U.S.C. § 3161(c)(1).

16. The statute lists various periods of delay that are excluded from the computation of when a trial shall commence. 18 U.S.C. § 3161(h). Delay attributable to one co-defendant is attributable to all, so long as the period of delay is reasonable. *See* 18 U.S.C. § 3161(h)(6) (excluding a reasonable period of delay caused by a co-defendant with whom the defendant is joined and no motion for severance has been granted).

17. The Speedy Trial period on the defendants’ Superseding Indictment began to run in this case on October 20, 2022, the date that the Superseding Indictment was returned adding defendant Maurice Shazier. *See* 18 U.S.C. § 3161(c)(1); *Chambliss v. United States*, 2010 WL 2511387 *1 (11th Cir. June 23, 2010) (“If a case involves multiple defendants, the 70-day period begins to run after the last codefendant is indicted or arraigned.”); *United States v. Mathis*, 96 F.3d 1577, 1579 n.1 (11th Cir. 1996) (In a multiple defendant case, the speedy trial clock begins to run when the period begins for the last co-defendant.).

18. GROSS TIME: Seventy days from the day of Shazier's indictment (October 20, 2022) means that, if no time were excludable, the original Speedy Trial period would end on December 29, 2022.

19. EXCLUDABLE TIME:

- a. October 20, 2022 through October 25, 2022 (5 days) are excludable due to the Court's October 7, 2022 Order granting defendant Shazier's Motion to Continue his Arraignment, which excluded the period of October 12, 2022 through October 25, 2022, based upon specific findings that "the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial," pursuant to § 3161(h)(7)(A). [See DE 35 (10/7/2022 Order granting Motn to Continue)].
- b. October 31, 2022 to present (six days and continuing) are excludable, because on October 31, 2022, Rene filed a Motion to Continue Trial [DE 65]. On November 1, 2022, Gayle and Shazier filed Motions to Continue Trial [DE 67, DE 68, respectively]. All three motions remain pending, thus, all time from October 31, 2022, to the present is excludable pursuant to section 3161(h)(1)(D). Furthermore, the motions set forth facts that would allow the Court, in granting the motions, to exclude the time attributable to the continuance in the interests of justice, pursuant to section 3161(h)(7).

20. NET TIME REMAINING: To date, five days have run from the speedy trial clock: October 26–30, 2022. Hence, the net time remaining is 65 days.

21. FINAL DATE: The final date on which this case can be tried in compliance with the Speedy Trial Act is sixty-six (65) days following the Court's decision on the pending Motions to Continue Trial (DE 65, 67, 68). Thus, if the Court were to rule on the motions on Monday, November 7, 2022, the final date to begin trial would be January 11, 2023. However, if the Court

were to exclude additional time in the interests of justice, the final date to begin trial would be extended as well.

Respectfully submitted,

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

By: s/Marc Osborne
MARC OSBORNE
Assistant United States Attorney
Court ID #550786
500 South Australian Avenue, Suite 400
West Palm Beach, FL 33401
Telephone: 561 820-8711
Facsimile: 561 820-8777